

# ANDERSON KILL P.C.

Attorneys and Counselors at Law

1251 AVENUE OF THE AMERICAS ■ NEW YORK, NY 10020  
TELEPHONE: 212-278-1000 ■ FAX: 212-278-1733  
[www.andersonkill.com](http://www.andersonkill.com)

## By ECF & Hand-Delivery

March 13, 2015

Hon. James C. Francis IV  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 18D  
New York, New York 10007

Re: *MCC Non Ferrous Trading Inc. v. AGCS Marine Insurance Company*  
Case No.: 14 Civ. 8302 (PGG) (JCF)

Dear Judge Francis:

We write to respectfully request a modification of Your Honor's December 19, 2015, Order (Doc. 17) setting a briefing schedule (the "Scheduling Order") for Plaintiff's Motion for Summary Judgment on Defendant's Defenses Regarding Theft with Fraudulent Intent and the "Infidelity" Exclusion (the "Motion").

On March 11, 2015, Defendant timely filed its opposition to the Motion, but also filed a cross-motion for summary judgment (the "Cross-Motion"). Pursuant to the Scheduling Order, Plaintiff's reply in support of the Motion is due on March 25, 2015; Plaintiff does not seek leave to extend the time for its reply. However, Plaintiff requests modification of the Scheduling Order to set the following response dates in connection with Defendant's Cross-Motion: (i) Plaintiff shall answer the Cross-Motion by April 20, 2015; and (ii) Defendant shall reply in support of the Cross-Motion by May 4, 2015. Defendant consents to this request. Because this request does not affect any other scheduled dates, we believe that no proposed Revised Scheduling Order is required under Rule 1.E of Your Honor's Individual Rules. We will, however, provide a Revised Scheduling Order should Your Honor so request.

No party has previously requested modification of the Scheduling Order.

**Anderson Kill P.C.**

March 13, 2015

Page 2

We thank Your Honor for consideration of this request.

Respectfully submitted,



Joshua Gold  
Dennis J. Nolan  
Bruce E. Strong  
1251 Avenue of the Americas  
New York, New York 10020  
Attorneys for Plaintiff

cc: VIA E-MAIL  
John A.V. Nicoletti, Esq.  
Nooshin Namazi, Esq.  
Kevin J.B. O'Malley, Esq.